



01-10-05

UNITED STATES PATENT AND TRADEMARK OFFICE

1FW / Reissue \$

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/849,509	05/19/2004	Laurence C. Mudge	0624-4129

Arnold I Rady
Morgan & Finnegan LLP
345 Park Avenue
New York, NY 10154-0053

CONFIRMATION NO. 6774

FORMALITIES LETTER



OC000000013256374

Date Mailed: 07/16/2004

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Consent of assignee is missing. 37 CFR 1.172 requires that a reissue oath/declaration be accompanied by the written consent of all assignees.
- Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$216 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86
 - \$86 for 2 independent claims over the original patent.

Items Required To Avoid Processing Delays:

01/11/2005 DENMANU1 00000007 134500 10849509

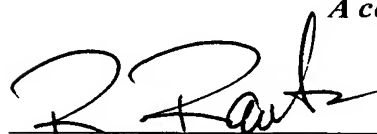
02 FC:1051 130.00 OP
03 FC:1204 114.00 DA 86.00 OP

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

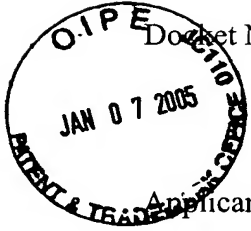
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No. 0624-4129

27123

↑CUSTOMER NUMBER↑

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Laurence C. Mudge

Group Art Unit: TBA

Serial No.: 10/849,509

Examiner: TBA

Filed: May 19, 2004

For: **FUNGICIDAL COMPOSITIONS FOR THE ENHANCEMENT OF TURF QUALITY**

TRANSMITTAL OF DECLARATION PURSUANT TO 37 C.F.R. §1.63

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a declaration pursuant to 37 C.F.R. §1.63 for the above-identified application.

The surcharge, pursuant to 37 C.F.R. §1.16(e), for filing a declaration on a date later than the filing date of the application is as follows:

- ☒ Filing by other than a small entity (\$130)
- ☐ Filing by a small entity (\$65)
- ☒ A check in the amount of \$216 to cover the surcharge fee and additional claim fees is enclosed.
- ☐ Charge surcharge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0624-4129. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 7, 2005

By: 

Arnold I. Rady
Registration No. 26,601

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile
891512 v1



Docket No. 0624-4129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Laurence C. Mudge
Serial No.: 10/849,509
Filed: May 19, 2004
For: FUNGICIDAL COMPOSITIONS FOR THE ENHANCEMENT OF TURF QUALITY

Group Art Unit: TBA
Examiner: TBA

EXPRESS MAIL CERTIFICATE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 460048995 US
Date of Deposit: January 7, 2005

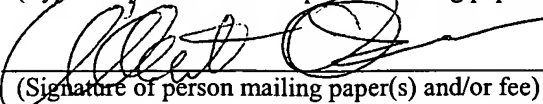
I hereby certify that the following attached paper(s) and/or fee

1. Response to Notice to File Missing Parts and Submission of Original and Supplemental Reissue Declarations;
2. Transmittal of Declaration;
3. Reissue Declaration, Power of Attorney, Certification by Assignee and Offer to Surrender Patent executed on behalf of Bayer CropScience, Inc. with attached Exhibits A and B;
4. Supplemental Reissue Declaration by Assignee, Power of Attorney, Certification by Assignee, Consent by Assignee and Offer to Surrender Patent executed on behalf of Bayer CropScience, Inc. with attached Exhibits A and B;
5. Copy of Notice of Missing Parts – Part 2;
6. Check in the sum of \$216 representing payment of late declaration surcharge and two additional claim fees;
7. Petition and Fee for Extension of Time;
8. Check in the sum of \$1,590 representing payment for four months extension;
9. Change of Correspondence Address; and
10. Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile



Docket No. 0624-4129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of: U.S. Patent No. 5,599,804

Inventor: Laurence C. Mudge

Serial No.: 10/849,509

Filed: May 19, 2004

For: **FUNGICIDAL COMPOSITIONS FOR THE
ENHANCEMENT OF TURF QUALITY**

Mail Stop Missing Parts
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND SUBMISSION OF
ORIGINAL AND SUPPLEMENTAL REISSUE DECLARATIONS**

In response to the Notice To File Missing Parts Of Reissue Application mailed July 16, 2004, Reissue Applicant and Assignee, Bayer CropScience, Inc. submits the executed Reissue Declaration that was filed with the application and an executed Supplemental Reissue application. Also submitted herewith is a Petition for Extension of Time rendering this filing timely and the appropriate fees as set forth below.

In addition to the signature and fees, the PTO Notice indicated the following deficiencies in the original Reissue Declaration:

- (i) the consent of the assignee required by 37 CFR § 1.172;
- (ii) Statement under 37 § 3.73(b) bearing the signature of an official authorized to act on behalf of the assign;

(iii) a new oath or declaration identifying the application number;

(iv) identification of the residence and citizenship of each inventor pursuant to 37 CFR §

1.63

The original unexecuted Reissue Declaration which accompanied the filing of this application is submitted herewith, executed by Bruce Mackintosh, on behalf of Bayer CropScience, Inc.

Also submitted is a Supplemental Reissue Declaration executed by Bruce Mackintosh that cures each of the four deficiencies stated in the Notice. Although, applicant does not believe a "consent of the assignee" is required when the reissue declaration is filed by the assignee, a statement of consent appears in paragraph IV of the Supplemental Declaration. A statement regarding the residence address and citizenship of the inventor appears in paragraph VI. The signature and authorization statement appears on page 9 of the Supplemental Declaration.

In view of the foregoing, applicant respectfully requests this application be forwarded to the Examiner for early favorable action. Applicants' attorney invites the opportunity to communicate with the Examiner, if it would expedite or facilitate the prosecution.

Applicants submit with this response a copy of the Notice mailed July 16, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Response and appended papers under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0624-4129.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 7, 2005

By:



Arnold I. Rady
Registration No. 26,601

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
Telephone 212-415-8552
Facsimile(202) 857-7929